HOUSE RESEARCH ORGANIZATION • TEXAS HOUSE OF REPRESENTATIVES
P.O. Box 2910, Austin, Texas 78768-2910
(512) 463-0752 • http://www.hro.house.state.tx.us

HOUSE RESEARCH ORGANIZATION

daily floor report

Thursday, May 07, 2015
84th Legislature, Number 65
The House convenes at 10 a.m.
Part Three

Sixty-four bills are on the daily calendar for second-reading consideration today. The bills analyzed or digested in Part Three of today's *Daily Floor Report* are listed on the following page.

The House will consider a Congratulatory and Memorial Calendar.

Alma Allen
Chairman
84(R) - 65

HOUSE RESEARCH ORGANIZATION

Daily Floor Report

Thursday, May 07, 2015

84th Legislature, Number 65

Part 3

SUBJECT: Requiring aerospace and aviation office to implement certain initiatives

COMMITTEE: Business and Industry — committee substitute recommended

VOTE: 6 ayes — Oliveira, Simmons, Collier, Fletcher, Romero, Villalba

1 nay — Rinaldi

WITNESSES: For — Nick Serafy, Cameron County Spaceport Corporation; Jeff Feige, Orbital Outfitters Ltd.; Lauren Dreyer, SpaceX; (*Registered, but did not testify*: Jake Posey, Bell Helicopter; John Davis and Pamela Welch, Midland Development Corporation; Chris Shields, Port San Antonio; Amy Beard, the Boeing Company; Mignon McGarry, United Technologies Corporation)

Against — None

On — Keith Graf, Office of the Governor

DIGEST: CSHB 1984 would add requirements for the aerospace and aviation office, make changes to the advisory committee, and require the office to submit reports containing certain information.

The bill would require the office to develop short- and long-term policy initiatives or recommend reforms the state could implement to:

- increase investment in aerospace and aviation activities;
- support the retention, development, and expansion of spaceports in Texas;
- identify and encourage educational, economic, and defense-related opportunities for aerospace and aviation activities;
- increase funding for the spaceport trust fund and support ongoing projects that have been assisted by the fund, including recommending to the Legislature an appropriate level for the fund;
- partner with Texas Higher Education Coordinating Board to foster technological advancement and economic development for spaceport activities by strengthening higher education programs;

and

- partner with Texas Workforce Commission to support initiatives that address the high-technology skills and staff resources needed to better promote the state's efforts in becoming the nation's leader in space exploration.

CSHB 1984 would require the aerospace and aviation office to make short- and long-term recommendations for state action to the Legislature and the governor regarding the policy initiatives and reforms noted above. The short-term recommendations would begin implementation by September 1, 2017, and would be fully implemented by September 1, 2020. The long-term recommendations would begin implementation by September 1, 2020, and would be fully implemented by September 1, 2025. In addition, the aerospace and aviation office would submit a biennial report to the same audience, which would contain information on the work performed by that office in implementing related projects, policy initiatives, and reforms, as well as other information. The report would be due beginning December 1, 2016.

The bill would add to the aerospace and aviation advisory committee one member for each active spaceport development corporation in Texas who would represent the interests of their corporations. The committee would be required to:

- assist the aerospace and aviation office and Texas Economic Development and Tourism Office in meeting the state's economic development efforts to recruit and retain aerospace and aviation jobs and investment;
- advise the aerospace and aviation office, the Texas Economic Development and Tourism Office, and the governor on an appropriate funding level for the spaceport trust fund and on recruitment, retention, and expansion of aerospace and aviation industry activities; and
- collect and disseminate information on federal, state, local, and private community economic development programs that assisted or provided loans, grants, or other funding to aerospace and aviation industry activities.

Members of the committee would serve staggered four-year terms. The terms of the current members would expire on September 1, 2015. The governor would be required to appoint new members as soon as possible after that date, and a member who had served immediately before the effective date could be reappointed if the member met the qualifications under the bill.

The bill would take effect September 1, 2015.

SUPPORTERS SAY:

CSHB 1984 would continue efforts to improve the space industry's presence in Texas. This industry provides economic benefits to Texas, and the bill would expand the aerospace and aviation office's duties to better facilitate the growing industry. The bill also would require the office to create short and long-term plans to expand the benefits of the industry to include areas such as education and defense.

The bill would not allow government funds to be used for inappropriate purposes because the office already submits a legislative appropriations request to the Legislature. It only would allow the office to recommend to the Legislature a level of funding.

OPPONENTS SAY:

CSHB 1984 would give inappropriate power to the aerospace and aviation office. The office could increase funding or even recommend to the Legislature an appropriate funding level for the spaceport trust fund. This could lead to state funds being used to advance goals that would not be appropriate or within the proper scope of government funding.

SUBJECT: Authorizing military personnel to receive certain certification credentials

COMMITTEE: Public Education — favorable, without amendment

VOTE: 8 ayes — Aycock, Bohac, Deshotel, Dutton, Farney, Galindo, González, K. King

0 nays

3 absent — Allen, Huberty, VanDeaver

WITNESSES: For — J. Scott Fikes, Education Career Alternative Program; John Peter Lund, Texas Teachers; (*Registered, but did not testify*: Rae Queen, Alternative Certification for Teachers San Antonio; Jon Fisher, Associated Builders and Contractors of Texas; Mike Meroney, Coalition for Effective Educator Preparation; Annie Spilman, National Federation of Independent Business Texas; Nelson Salinas, Texas Association of Business; Felicia Wright, Texas Association of Builders; Melva V. Cardenas, Texas Association of School Personnel Administrators; Stephanie Simpson, Texas Association of Manufacturers)

Against — None

On — Zenobia Joseph; (*Registered, but did not testify*: Marilyn Cook and Tim Miller, Texas Education Agency; Ted Melina Raab, Texas American Federation of Teachers)

BACKGROUND: Education Code, sec. 21.049 requires the State Board for Educator Certification to establish rules for educator certification programs as an alternative to traditional educator preparation programs. One example of such a program is Texas Troops to Teachers, which supports former military personnel in their transition from armed services to the classroom.

Alternative certification programs for veterans exist, but many do not satisfy the complex licensure requirements to teach career and technology education courses.

DIGEST:

HB 2014 would expand eligibility for military personnel seeking career and technology education certification. Military personnel would be considered to have satisfied the State Board for Educator Certification's requirement of obtaining a license or professional credential for a specific trade if the individual had experience in that trade received through military service.

The board could not require military personnel seeking a career and technology education certification to obtain a credential or experience for that trade other than the experience received through military service.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2015.

SUBJECT: Amending municipal rules regarding the use of alarm systems

COMMITTEE: Urban Affairs — committee substitute recommended

VOTE: 5 ayes — Alvarado, R. Anderson, Bernal, Elkins, M. White

0 nays

2 absent — Hunter, Schaefer

WITNESSES: For — Jeff Bright, Malcolm Reed, Chris Russell, Texas Burglar and Fire Alarm Association; (*Registered, but did not testify*: Kyle Beller, North Texas Alarm Association; Chip Bird and Paul Rusch, Texas Burglar and Fire Alarm Association)

Against — Darren Reaman, CEDIA; Kathryn Bruning, City of Houston; David Groves; (*Registered, but did not testify*: Jim Sheer, Texas Retailers Association)

On — (*Registered, but did not testify*: Steve Moninger, Texas Department of Public Safety)

DIGEST: CSHB 2162 would replace the definition of "alarm system" in the Local Government Code with the definition used in the Occupations Code. The bill also would set a maximum fee for a municipal permit for a non-residential alarm system at $250 a year.

The bill would allow a municipality to:

- refuse to respond to a location if it had more than eight false alarms during the last 12 months; and
- impose a penalty for a false alarm by a person who was not licensed under the Private Security Act.

The bill also would remove the requirement that an agency of the municipality make a determination on the premises inspection within 30 minutes of the alarm notification for it to be considered a false alarm on

the alarm report by an alarm systems monitor.

The bill would prohibit a municipality from:

- imposing a penalty for a false alarm after there had been three false alarms in the last 12 months if visual proof of possible criminal activity was provided to the municipality before an agency of the municipality inspected the premises;
- imposing a penalty for a false alarm by a person licensed under the Private Security Act; and
- imposing or collecting any fine, fee, or penalty related to a false alarm or alarm system unless the it was defined in the applicable ordinance.

The bill would allow a property owner or agent authorized to make property decisions to exclude the municipality from receiving an alarm signal from an alarm system located on the owner's property without the permission or exception of the municipality. If the property owner excluded the municipality, the municipality would be:

- prohibited from imposing a fee to obtain a permit to use the alarm system;
- allowed to impose a maximum fee of $250 for each law enforcement response to an alarm system signal that was requested by an alarm systems monitor; and
- prohibited from imposing or collecting any other fine, fee, or penalty related to the alarm system.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2015.

SUPPORTERS SAY:

CSHB 2162 would update alarm regulations that have become outdated due to changing technology, changing procedures, and population growth. The bill would increase protections for municipalities by, for instance, allowing collection of a penalty for false alarms by unlicensed individuals, while setting caps on permit fees and allowing an opt-out provision to

protect alarm system owners.

The bill would provide greater flexibility for municipalities to determine whether a signal was a false alarm by removing the constraint that a determination be made within 30 minutes of the alarm notification and by allowing the municipality a reasonable time to make a determination.

The bill would reduce confusion and create consistency between the codes by amending the definition of alarm system in the Local Government Code to reflect the definition in the Occupations Code.

OPPONENTS SAY:

CSHB 2162 would amount to government overreach and overregulation in the area of alarm systems. The bill also would cause home security monitoring regulations to become confusing for property owners. This is an area that should not be further regulated.

SUBJECT: Requiring installation of fire sprinkler system in certain buildings.

COMMITTEE: Urban Affairs — committee substitute recommended

VOTE: 5 ayes — Alvarado, Hunter, R. Anderson, Bernal, Elkins

2 nays — Schaefer, M. White

WITNESSES: For — Carl Wedige, City of San Antonio Fire Department; Justina Page, Common Voices Advocate; Cindy Giedraitis, National Fire Sprinkler Association; (*Registered, but did not testify*: Wayne Delanghe; Margo Cardwell, State Firefighters' and Fire Marshals' Association)

Against — David Mintz, Texas Apartment Association

On — Andy Cardiel, City of Corpus Christi Fire Department

BACKGROUND: Health and Safety Code, ch. 766 establishes fire safety standards in residential dwellings.

DIGEST: CSHB 3089 would require certain buildings in Bexar County to install a complete fire protection sprinkler system and comply with certain fire safety standards within a 12-year time frame.

The bill would apply to residential high-rise buildings in Bexar County:

- in which at least 50 percent of residents were elderly, individuals with a disability, or individuals with impaired mobility; and
- that were not designated as a historically or archaeologically significant site by the Texas Historical Commission and that did not house the governing body of the county or municipality.

The bill would require the municipality or county in which the building was located to adopt a standard in compliance with certain national standards for the installation of fire protection sprinkler systems in a residential high-rise building.

The owner of a residential high-rise would be required to provide notice of the owner's intent to comply with fire sprinkler standards to the appropriate code official of the municipality or county clerk no later than September 1, 2018.

The owner of a high-rise residential building built before September 1, 2015, would be required to satisfy certain standards by specified times. The owner would be required to install:

- a water supply on all floors of the building in accordance with certain national standards no later than September 1, 2021.
- a fire protection sprinkler system on at least 50 percent of the floors of the building no later than September 1, 2024.

The owner would be required to complete the installation of the fire protection sprinkler system on all floors of the building by September 1, 2027.

The bill would authorize the attorney general, a county attorney, or a district attorney to bring an action in the name of the state for an injunction against the owner or person in charge of the building to enforce compliance with the bill's provisions.

This bill would create an offense, punishable by a fine of up to $10,000, for an owner or agent of the owner of a high-rise residential building not in compliance with the above provisions.

This bill would take effect September 1, 2015.

SUPPORTERS SAY:

CSHB 3089 would help ensure the safety of elderly residents in assisted living facilities in Bexar County by requiring the installation of sprinkler systems. The bill would help update five assisted living facilities in the county, and would not be a financial burden on building owners because the owner of a facility would have 12 years to complete installation, providing substantial time to gather funding.

A fire sprinkler system is meant to prevent another tragedy like the Wedgwood Senior Living Apartment fire, in which six residents were

killed by a fire. This fire safety precaution can quickly end a fire before it becomes a devastating loss. Senior citizens sometimes have limited mobility and reduced hearing capability, making them a vulnerable population in the event of a fire. A complete fire sprinkler system is a necessary line of defense for this population.

OPPONENTS SAY:

CSHB 3089 would burden existing private buildings by mandating significant building reconstruction without providing additional funding. While this bill may apply to only a few facilities in the state, the costs for updating the buildings are unknown and could have a substantial financial impact.

OTHER OPPONENTS SAY:

CSHB 3089 should be applicable to the entire state. All residential high-rises that house the elderly and other vulnerable populations should be required to have complete fire sprinkler systems.

SUBJECT: Offense for operating unmanned aircraft over certain critical infrastructure

COMMITTEE: Criminal Jurisprudence — committee substitute recommended

VOTE: 6 ayes — Herrero, Moody, Hunter, Leach, Shaheen, Simpson

0 nays

1 absent — Canales

WITNESSES: For — Melinda Smith, Combined Law Enforcement Associations of Texas (CLEAT); Patrick Tarlton, Texas Chemical Council; Mari Ruckel, Texas Oil and Gas Association; (*Registered, but did not testify*: Gavin Massingill, American Chemistry Council; Lindsay Mullins, BNSF Railway; Matt Phillips, Brazos River Authority; Robert Flores, Breitling Energy; Amy Maxwell, CenterPoint Energy, Marathon Oil Corporation; Samantha Omey, ExxonMobil; Mike Meroney, Huntsman Corp., BASF Corp., and Sherwin Alumina, Co.; Mindy Ellmer, LyondellBasell Industries; Ben Sebree, Marathon Petroleum Corporation; John Paul Urban, NRG Energy; Randy Cubriel, Nucor; Teresa Rushing, Tarrant County Libertarian Party; Stephen Minick, Texas Association of Business; Daniel Womack, the Dow Chemical Company; Stephanie Simpson, Texas Association of Manufacturers; John R. Pitts, United Parcel Service)

Against — (*Registered, but did not testify*: Micah Harmon, Sheriffs' Association of Texas; Dirk Davidek)

On — (*Registered, but did not testify*: William Travis, Sheriffs' Association of Texas)

DIGEST: CSHB 1481 would create a criminal offense for operating an unmanned aircraft over certain critical infrastructure facilities.

Critical infrastructure would be defined as:

- petroleum or alumina refineries;

- electrical power generating facilities, substations, switching stations, or electrical control centers;
- above-ground oil, gas, or chemical pipelines;
- chemical, polymer, or rubber manufacturing facilities;
- water intake structures, water treatment facilities, wastewater treatment plants, and pump stations;
- natural gas compressor stations; liquid natural gas terminals or storage facilities;
- telecommunications central switching offices;
- ports, railroad switching yards, trucking terminals, or other freight transportation facilities;
- gas processing plants;
- transmission facilities used by a federally licensed radio or television stations;
- certain steelmaking facilities; and
- dams classified as a high hazard by the Texas Commission on Environmental Quality.

Critical infrastructure facilities would have to be completely enclosed by a fence or other physical barrier that was obviously designed to exclude intruders or be clearly marked with posted signs that were reasonably likely to come to the attention of intruders and that indicated that entry was forbidden.

Individuals would commit an offense if they intentionally or knowingly:

- operated an unmanned aircraft over a criminal infrastructure facility and it was 400 feet or lower;
- allowed an unmanned aircraft to make contact with a facility, including a person or object on the premises or in the facility; or
- allowed an unmanned aircraft to come within a distance of a facility that was close enough to interfere with its operations or cause a disturbance.

The bill would not apply to:

- the federal or state government or a governmental entity or someone under contract with or acting under the direction of one of these entities;
- law enforcement agencies or persons under contract with or acting under the direction of a law enforcement agency;
- owners or operators of the facility or someone under contract with or acting under the direction or on behalf of an owner or operator of the facility;
- someone with the prior written consent of the owner or operator of the facility; or
- operators of unmanned aircrafts being used for a commercial purpose, if the operator was authorized by the Federal Aviation Administration to conduct operations over the airspace.

Offenses would be class B misdemeanors (up to 180 days in jail and/or a maximum fine of $2,000). Repeat offenses would be class A misdemeanors (up to one year in jail and/or a maximum fine of $4,000).

The bill would take effect September 1, 2015.

SUPPORTERS SAY:

CSHB 1481 is needed to ensure the safety and security of the state's critical infrastructure facilities in the face of the increased use of unmanned aircraft. Unrestricted use of these crafts over critical infrastructure can pose safety and security risks to people, property, communities, and other aircraft. For example, an unmanned aircraft could fall or be piloted into a critical part of a facility, creating a hazardous or threatening situation. While federal regulations address some of the situations described in CSHB 1481, the regulations are considered guidelines without the force of law.

CSHB 1481 would address this gap in the law by creating an offense that would be similar to provisions under the offense of criminal trespassing that covers trespassing on critical infrastructure facilities. CSHB 1481 contains safeguards to ensure the offense would be applied only when appropriate. Facilities would have to be enclosed or clearly marked so that individuals had notice that entry was forbidden. To commit the offense, individuals would have to knowingly and intentionally commit certain

actions, ensuring that someone making an honest mistake with no ill intent would not fall under the bill's provisions. The bill also would require that the unmanned aircraft be low, make contact, or be close enough to interfere or cause a disturbance. The bill would make necessary and reasonable exceptions to the offense, including ones for the use of unmanned aircraft by the government, law enforcement, and owners and operators of the facilities

OPPONENTS SAY:

CSHB 1481 would create an offense that could encompass some who intend no harm. Flying an unmanned aircraft over a facility can be significantly different from trespassing on the land of a critical infrastructure facility. For example, it could be difficult to know the property boundaries from the air, unlike on land where things can be clearly marked.

SUBJECT: Court order to certain defendant to pay costs of court-appointed counsel

COMMITTEE: Criminal Jurisprudence — committee substitute recommended

VOTE: 5 ayes — Herrero, Moody, Leach, Shaheen, Simpson

0 nays

2 absent — Canales, Hunter

WITNESSES: For — David Holmes, Hill County, Texas; (*Registered, but did not testify*: Donald Lee, Texas Conference of Urban Counties)

Against — Rebecca Bernhardt, Texas Fair Defense Project; (*Registered, but did not testify*: Victor Cornell, American Civil Liberties Union of Texas; Patricia Cummings,Texas Criminal Defense Lawyers Association; Elizabeth Henneke, Texas Criminal Justice Coalition; Amanda Marzullo, Texas Defender Service; Jennifer Erschabek, Texas Inmate Families Association; Yannis Banks, Texas NAACP; and five individuals)

BACKGROUND: Code of Criminal Procedure, art. 26.05 governs the compensation provided to attorneys appointed to defend indigent criminal defendants. Code of Criminal Procedure, art. 26.04(m) outlines what courts can consider when determining if the defendant is indigent.

Under art. 26.05(g), courts can order defendants to offset the costs of legal services while charges are pending or as part of court costs assessed if a defendant was convicted. This order can occur if the court determines that a defendant has the resources to pay the costs.

DIGEST: CSHB 1663 would allow courts to order certain defendants who had been sentenced to a period of confinement or probation to pay the unpaid portion of legal services provided to them. Courts could make such orders at any time during a sentence of confinement or probation term if the court determined that the defendant had the financial resources to pay the costs.

The bill would apply only to defendants who at the time they were

sentenced to confinement or probation did not have the financial resources to pay their entire cost of their legal services.

The bill would take effect September 1, 2015.

SUPPORTERS SAY:

CSHB 1663 could help counties recover some of the large sums they expend to provide indigent defendants with attorneys. When courts determine if criminal defendants will be provided an attorney because of indigency, they focus on defendants' financial situation at that time. In some cases, however, defendants' financial circumstances change after they are incarcerated or put on probation. In these cases, defendants should be held accountable and required to repay the costs of legal services provided to them.

CSHB 1663 would give courts the necessary authority to determine if a defendant's financial situation had changed after an initial determination and, if so, to order defendants to pay the legal costs of county-provided legal services. Counties have numerous demands, and county taxpayers should not shoulder indigent defense costs for those with the resources to pay them. Counties could use funds recovered under the bill for other indigent defense costs.

The bill would be a logical extension of current law allowing courts to order defendants to offset the cost of legal serves while charges are pending or of court costs after a conviction. Courts are familiar with making such determinations and could make them according to current guidelines. The bill would not require courts to order defendants to pay the costs but would leave it to the courts' discretion. This would allow courts the flexibility to make appropriate decisions concerning ordering payments.

OPPONENTS SAY:

It is unclear what standard courts would use to determine whether defendants had the financial resources to pay their legal costs and how defendants would respond to information about their financial status. These standards would be important to ensure a fair process when deciding if defendants would be ordered to pay the costs of their legal services.

OTHER OPPONENTS SAY:

It is unclear if courts would have the authority over defendants who were confined to implement CSHB 1663. In general, courts have this authority only in limited situations.

SUBJECT: Amending child custody evaluations and adoption evaluations

COMMITTEE: Juvenile Justice and Family Issues — committee substitute recommended

VOTE: 7 ayes — Dutton, Riddle, Hughes, Peña, Rose, Sanford, J. White

0 nays

WITNESSES: For — Charla Bradshaw and Steve Bresnen, Texas Family Law Foundation; Benjamin Albritton; Christy Bradshaw Schmidt; Aaron Robb; Alissa Sherry; (*Registered, but did not testify*: Will Francis, National Association of Social Workers - Texas Chapter; Katherine Barillas, One Voice Texas; Sarah Crockett, Texas CASA)

Against — Paul Andrews, Texas Psychological Association; Tim Branaman; (*Registered, but did not testify*: David White, Texas Psychological Association)

On — Elizabeth "Liz" Kromrei, Department of Family and Protective Services; Isaac Sommers, Texas Home School Coalition Association; (*Registered, but did not testify*: D. Gene Valentini, Office of Dispute Resolution for Lubbock County; Darrel Spinks, Texas State Board of Examiners of Psychologists)

BACKGROUND: Family Code, ch. 107 governs special appointments and social studies and guides the appointment and duties of professionals in suits affecting the parent-child relationship. Subch. D concerns the execution of social studies in cases involving the adoption of a child, conservatorship of a child, or possession of or access to a child.

Social studies are the evaluative processes performed by certain professionals to provide information and recommendations to the court regarding the custody or adoption of a child.

DIGEST: CSHB 1449 would make several changes to Family Code, subch. D, including splitting up the subchapter into two distinct sections: subch. D regarding social studies, which would instead be called "child custody

evaluations," ordered in contested custody cases, and subch. E covering social studies, instead called adoption evaluations, for pre-placement or post-placement evaluations in adoption cases. The term "social study" would be eliminated throughout subchapters D and E.

Subchapter D: child custody evaluations. The bill would specify that child custody evaluations under this subsection were to be done only as ordered by a court in contested custody cases, removing adoptions and custody cases where the Department of Family and Protective Services is a party from this subchapter of the Family Code. The bill would limit these evaluations to conservatorships, suits for possession of or access to a child, or any other issue affecting the best interests of a child.

The bill would require specific details to be included in a court order for a child custody evaluation, such as the name of each person who would conduct the evaluation, the purpose of the evaluation, and the specific issues or questions to be addressed in the evaluation.

The bill would amend the minimum qualifications for individuals conducting child custody evaluations, including requiring a master's level degree rather than a bachelor's degree and allowing individuals with medical licenses or those board certified in psychiatry to do evaluations. The bill would add specific qualifications related to training and education for those holding a doctoral degree. Courts would determine whether an evaluator met these qualifications and could make an exception to qualification requirements if the case was in a smaller-sized county and finding a qualified individual could not be done in a timely manner. These individuals still would be required to meet all other provisions of the subchapter.

Under the bill, child custody evaluators would be required to disclose potential bias or conflicts of interest in an increased number of scenarios. For example, disclosure would be required for any information where a reasonably prudent person would believe impartiality would be affected in conducting an evaluation. The court would not be able to appoint a person who disclosed such information, and an evaluator would need to step down if such information was later discovered, unless the court made a finding that the information would not present a conflict or the parties

agreed in writing to the appointment.

Child custody evaluators would be expected to include more information in their evaluation reports, including an assessment of how the reliability or validity of their report may have been affected by the extent of information received. The bill would include expectations that evaluators review collateral source materials as part of the basic elements of a report, including school records and physical and mental health records. Evaluators also would be expected to undertake more "additional elements" than in current law, such as psychometric testing if necessary.

The bill also would increase protocols for the evaluators' handling, keeping, and releasing of records and information obtained in the execution of a child custody evaluation.

Subchapter E: adoption evaluations. The bill's added subsection for adoption would contain provisions from the current law regarding adoptions as well as protocols, processes, and duties for individuals doing adoption evaluations, rather than evaluations in contested custody hearings. Subch. E would contain provisions equivalent to subch. D for orders for evaluations, minimum qualifications for evaluators, procedures in the event of a potential conflict of interest or bias, and requirements for reports and the handling of records. These would include slight modifications to subch. D's provisions to reflect the different nature of adoptions.

The bill would make several conforming changes to language throughout the Family Code. The bill also would direct relevant professional licensure boards and agencies to adopt rules and regulations necessary for the implementation of the bill.

The bill would take effect September 1, 2015, and apply only to suits affecting the parent-child relationship pending in a trial court on that date or filed on or after that date.

SUPPORTERS SAY:

CSHB 1449 would update the Family Code to better align it with national legal and mental health practices, updating terms and helping ensure that child custody and adoption evaluations were admissible according to

evidence standards for expert testimony in court cases.

The bill's clear, comprehensive requirements for child custody evaluators and evaluation elements also would ensure that Texas families got reliable, quality evaluations in adversarial child custody suits, which can be one of the most stressful situations a family can experience. In addition, the separation of adoption procedures from custody disputes would better reflect the different nature of these two proceedings.

While the bill would help standardize requirements for evaluator qualifications, it still would provide flexibility to address the diverse needs of the state, such as allowing courts to appoint an evaluator who did not meet all specific qualifications if one were not readily available. The bill would provide qualifications standards that were appropriate to the unique work of child custody evaluations and adoptions. Using another set of standards like those for competency hearings in criminal cases would likely not be effective.

The bill would help encourage more people who might not understand the qualifications or duties for the job to become child custody or adoption evaluators. There is a current evaluator shortage in the state, which can cause delays in having these important reports done. The bill would not threaten any existing jobs because there is a need for more professionals in this field.

OPPONENTS SAY:

CSHB 1449 delves too deeply into the specifics of the education, training, and experience that evaluators would need to do this work, creating a niche market for a particular group. Instead, professional licensure organizations and agencies should be trusted to regulate licensees so that they are qualified to be evaluators, avoiding any possible restriction on their trade.

The bill should limit qualifications to specific practices like psychiatry and psychology to take a simpler approach to ensuring knowledgeable professionals do this work. Texas' Code of Criminal Procedure contains a good model for this in articles 46B and 46C, which govern the appointment of evaluators to assess competency to stand trial or insanity pleas. These models do not contain very prescriptive requirements beyond needing to be a licensed psychiatrist or psychologist certified by the

relevant board to do that work.

OTHER OPPONENTS SAY:

CSHB 1449 should allow individuals who have been doing this work for years but who may not meet all new qualifications to be grandfathered in so the state does not lose a large number of experienced child custody evaluators when there is already an existing shortage.

The bill should allow for the observation of other children in a residence with the children or parties that are subject to the evaluation as a basic element of an evaluation. This would allow evaluators to observe interactions between the subject child or parties and other family members like stepchildren, which could offer important insight.

NOTES:

The author plans to offer a floor amendment to the bill that would:

- allow individuals with doctoral degrees and licenses in human services to be found qualified as child custody evaluators per the standards of the licensing agency;
- allow for the observation of other children in a residence with subject children and parties under evaluation as a basic element of an evaluation;
- exempt individuals from the amended child custody evaluator qualifications who had completed at least 20 court-ordered child custody evaluations before the effective date of the bill and met certain other requirements; and
- make the bill apply only to suits affecting the parent-child relationship pending in a trial court on March 1, 2016, or filed on or after that date.

SUBJECT: Developing a career-oriented foreign language program for students

COMMITTEE: Public Education — favorable, without amendment

VOTE: 7 ayes — Aycock, Deshotel, Dutton, Farney, Galindo, González, K. King

0 nays

4 absent — Allen, Bohac, Huberty, VanDeaver

WITNESSES: For — (*Registered, but did not testify*: David Anderson, Arlington ISD Board of Trustees; Lindsay Gustafson, Texas Classroom Teachers Association)

Against — None

On — (*Registered, but did not testify*: Monica Martinez, Texas Education Agency)

BACKGROUND: Education Code, sec. 28.002(a)(2) establishes the required enrichment curriculum for students in public schools. Some have called for the curriculum to include a career-oriented foreign language program to provide instruction in industry-related terminology.

DIGEST: HB 1431 would require the State Board of Education, in consultation with the commissioner of higher education and business and industry leaders, to develop an advanced language course that a school district could use to provide students with instruction in industry-related terminology that would prepare students to communicate in a language other than English in a specific professional, business, or industry environment.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2015.

SUBJECT: Volunteer coverage of injured municipal civil servants.

COMMITTEE: Urban Affairs — committee substitute recommended

VOTE: 7 ayes — Alvarado, Hunter, R. Anderson, Bernal, Elkins, Schaefer, M. White

0 nays

WITNESSES: For — Rafael Torres, Texas State Association of Fire Fighters; (*Registered, but did not testify*: David Crow, Arlington Professional Fire Fighters; Chris Jones, Combined Law Enforcement Associations of Texas; David Riggs, Garland Fire Fighters Association; Sean Dailey, Houston Professional Firefighters Association; Johnny Villarreal, Houston Professional Firefighters Association; Aidan Alvarado, Laredo Fire Fighters Association; Glenn Deshields, Texas State Association of Fire Fighters)

Against — None

BACKGROUND: Local Government Code, sec. 143.073(d) permits a firefighter or police officer injured off duty to use all available sick leave, vacation time, and other accumulated time before being put on temporary leave. Sec. 143.073(e) permits a firefighter or police officer to volunteer to complete the work of an injured firefighter or police officer until the injured party returns to work.

Firefighters and police officers who must take time off due to injuries leave departments short-staffed, and other workers must fill in for them using overtime, which is a considerable cost for departments. Permitting firefighters and police officers to volunteer for those injured, whether the injury occurred on-duty or off-duty, could save costs.

DIGEST: CSHB 1790 would prohibit a municipality from requiring a firefighter or police officer temporarily disabled due to an injury sustained off-duty from using sick leave, vacation time, or other accumulated time or from placing the injured party on temporary leave if another firefighter or

police officer volunteered to take the place of the injured firefighter or police officer until the injured party returned to work.

This bill would take effect September 1, 2015.

SUBJECT: Amending campus funding within the Blinn Junior College system

COMMITTEE: Higher Education — committee substitute recommended

VOTE: 7 ayes — Zerwas, Clardy, Crownover, Martinez, Morrison, Raney, C. Turner

0 nays

2 absent — Howard, Alonzo

WITNESSES: For — Blanche Brick; Barbara Corbisier; Joseph Engle; Linda Jones; Jean Ricciardello Phelps; Victoria Sharpe; Susan Slowey; (*Registered, but did not testify*: Nelson Salinas, Texas Association of Business)

Against — Wesley Brinkmeyer, Page Michel, and Randy Weidemann, Washington County Chamber Of Commerce (*Registered, but did not testify*: Richard Rhodes, Texas Association of Community Colleges; Luther Hueske; Washington County; Jane Hinze, Washington County Chamber of Commerce)

On — Ana M. Guzman and Carolyn Miller, Blinn College; Joseph Dunn, City of Bryan (*Registered, but did not testify*: Richard O'Malley, Kelli Shomaker, Blinn College; Milton Tate, City of Brenham)

DIGEST: CSHB 1903 would require the Blinn Junior College District to distribute the total amount of funds the district received from tuition and fees collected and contact hour appropriations to each of its campuses every state fiscal biennium in proportion to the percent of the total amount of tuition and fees that were collected at each campus. This change would apply only to Blinn College campuses with a student enrollment of at least 1,000 students and would apply beginning with the state fiscal biennium ending August 31, 2017.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2015.

SUPPORTERS SAY:

CSHB 1903 would remedy a difficult and inequitable funding situation in the Blinn College system, which has four campuses, including its flagship in Brenham and a fast-growing campus in Bryan. While Bryan has experienced huge enrollment growth and academic achievement over the past several years, it has not received funding from the Blinn College system sufficient to meet infrastructure needs. As a result, it is overcrowded and having difficulty serving students properly, which has hurt the school's ability to succeed.

The funds received from the flagship campus in Brenham are not proportionate to enrollment, which is much higher at the Bryan campus, nor does the funding reflect the different academic programs offered at Bryan. The bill would help address these deficiencies by requiring funding from the Blinn College administration that would reflect what the Bryan campus contributes to overall funding in tuition and fees. While there may be internal steps being taken, the bill would provide a more formal and reasoned response.

OPPONENTS SAY:

CSHB 1903 would not resolve the larger issue at play at Blinn College, which is how community colleges in general are funded. Taxing districts, a main feature of state community college funding, present challenges when it comes to college systems with campuses in different counties. Rather than addressing this larger issue, the bill would target one college.

In addition, the Brenham campus of Blinn College plays a significant role in the local workforce pipeline. Diverting funds from the flagship campus would have a detrimental effect on the entire region. Blinn College's administration already has an internal, local plan of action to address the funding issues that this bill attempts to repair.

SUBJECT: Complying with minimum federal commercial vehicle licensing standards

COMMITTEE: Transportation — committee substitute recommended

VOTE: 11 ayes — Pickett, Martinez, Burkett, Y. Davis, Fletcher, Harless, Israel, Murr, Paddie, Phillips, Simmons

0 nays

1 absent — McClendon

WITNESSES: For — (*Registered, but did not testify*: Mark Borskey, Texas Trucking Association)

Against — (*Registered, but did not testify*: Teresa Beckmeyer; Barbara Harless, North Texas Citizens Lobby; Terri Hall, Texas TURF & Texans for Toll-free Highways)

On — (*Registered, but did not testify*: Ron Coleman and Joe Peters, Department of Public Safety; James Bass, TxDOT)

BACKGROUND: Recent regulations of the Federal Motor Carrier Safety Administration set new minimum standards for commercial driver's licenses and commercial driver learner's permits. Failure to amend the Transportation Code to conform with these new minimum standards would place a significant amount of federal highway funds at risk.

DIGEST: CSHB 2714 would amend the Transportation Code to bring it into compliance with Title 49 Code of Federal Regulations, sections 383 and 384. These changes would reflect several new regulatory policies, including those related to commercial driver learner's permits, the process of issuing a license to residents of other countries, and creating an offense for texting while driving, among other provisions.

Commercial learner's permit. To conform with federal law CSHB 2714 would rename the commercial driver learner's permit as a "commercial learner's permit." The term "driver's license" would not include a

commercial learner's permit. Separate documents would have to be issued for commercial learner's permits that were different from driver's licenses. The fee for issuing or renewing a commercial learner's permit would be $24.

Operators with learner's permits would have to be accompanied by a holder of a commercial driver's license at all times when operating a commercial vehicle. These operators would need to carry their valid commercial learner's permit while operating a commercial vehicle. CSHB 2714 would allow DPS to issue commercial learner's permits with specific endorsements for passenger vehicles, school buses, and tank trucks. Such an endorsement would allow a permit holder to operate such a vehicle with only certain passengers aboard, including federal or state auditors, inspectors, test examiners, or other permit holders and the commercial driver's license holder supervising the driver with the commercial learner's permit.

Non-domiciled licenses and permits. CSHB 2714 would make changes to the process for granting commercial licenses and permits to persons who live outside the United States. Before issuing such a license or permit, DPS would be required to assess the feasibility of disqualifying the person under conditions that apply to a commercial driver's license or a commercial learner's permit issued to a Texas resident.

An applicant for a non-domiciled commercial driver's license who was domiciled in a foreign jurisdiction that did not meet federal testing and licensing standards and permits would need to present, in addition to a social security card, an unexpired passport, either a Form I-94 or an unexpired employment authorization document, and documentation of Texas residence.

Texting while driving. CSHB 2714 would create an offense for generating, sending, or reading a text while operating a commercial vehicle punishable as a class C misdemeanor (maximum fine of $500). The bill would create exceptions to the offense, including those related to the use of a GPS system, a push-button or voice-activated wireless communication device, or the performance of duties as a law enforcement officer or emergency responder, among others.

The bill would classify texting while operating a commercial vehicle as a "serious traffic violation" that could lead to disqualifying a motorist from driving a commercial vehicle for various periods of time depending on the number of violations accrued.

CSHB 2714 would take effect January 1, 2016.

NOTES:

According to the Legislative Budget Board's fiscal note, CSHB 2714 would have no significant impact on general revenue, but it would result in an annual gain of $336,000 annually to the Texas Mobility Fund due to the $24 commercial learner's permit fee.

SUBJECT: Changing the apportionment factor calculation for broadcasters

COMMITTEE: Ways and Means — committee substitute recommended

VOTE: 11 ayes — D. Bonnen, Y. Davis, Bohac, Button, Darby, Martinez Fischer, Murphy, Parker, Springer, C. Turner, Wray

0 nays

WITNESSES: For — Robert Vonick, Motion Picture Association of America; (*Registered, but did not testify*: Angela Miele, Motion Picture Association of America; Dale Craymer, Texas Taxpayers and Research Association; Oscar Rodriguez, Texas Association of Broadcasters)

Against — None

On — (*Registered, but did not testify*: Jennifer Specchio, Texas Comptroller of Public Accounts)

BACKGROUND: Under Tax Code, sec. 171.106, relating to the franchise tax, the ratio of a taxable entity's gross sales in Texas to its total sales is the "apportionment factor." The apportionment factor is part of the calculation used to determine an entity's taxable margin for franchise tax liability purposes.

The comptroller has required that broadcasters consider the location of the payor to be the end viewer, and not, for instance, a cable company that has a contract with the broadcaster.

DIGEST: CSHB 2896 would exclude a broadcaster's income arising from licensing or distributing programming or film programming from inclusion in the business's gross sales in Texas unless the domicile of the broadcaster's customer was in Texas. This bill would define "customer" to mean a person who had a direct connection or contractual relationship with the broadcaster.

This bill would take effect January 1, 2016 and would apply to a franchise tax report originally due on or after that date.

NOTES:

The Legislative Budget Board's fiscal note indicates that the bill would reduce franchise tax receipts, resulting in a negative impact to the Property Tax Relief Fund of about $6.1 million during fiscal 2016-17. Any loss to the fund would have to be made up with an equal amount of general revenue to fund the Foundation School Program.

SUBJECT: Identification requirements for health care providers at a hospital

COMMITTEE: Public Health — committee substitute recommended

VOTE: 10 ayes — Crownover, Naishtat, Blanco, Coleman, Collier, S. Davis, Guerra, Sheffield, Zedler, Zerwas

1 nay — R. Miller

WITNESSES: For — David Gloyna, Texas Society of Anesthesiologists; (*Registered, but did not testify*: Stephen Hoang, Anesthesiologists for Children, Children's Health Dallas; Eric Woomer, Federation of Texas Psychiatry; Kulvinder Bajwa, Harris County Medical Society; Lisa Hughes, Texas Academy of Nutrition and Dietetics; Jaime Capelo, Texas Chapter American College of Cardiology; Dan Finch, Texas Medical Association; Rachael Reed, Texas Ophthalmological Association; Bobby Hillert, Texas Orthopaedic Association; David Reynolds, Texas Osteopathic Medical Association; Harrison Bowes; Larry Driver; Daniel Leeman)

Against — Elizabeth Sjoberg, Texas Hospital Association; (*Registered, but did not testify*: Joel Ballew, Texas Health Resources)

On — James Willmann, Texas Nurses Association; (*Registered, but did not testify*: Allison Hughes, Department of State Health Services; Shine John, Texas Podiatric Medical Association)

BACKGROUND: Health and Safety Code, sec. 241.009 requires a hospital to adopt a policy requiring a health care provider who provides direct patient care at the hospital to wear a photo identification badge during all patient encounters, unless precluded by isolation and sterilization protocols. The badge must be of sufficient size and worn in a manner to be visible and must clearly state, in addition to other information, the type of license held by the provider under Title 3, Occupations Code, which regulates health professions and provides licensing requirements.

DIGEST: CSHB 2897 would require the identification badge of a health care provider licensed under Title 3, Occupations Code to use specific titles to

describe a person licensed under subtitles of that code. Under the bill, the badge of a provider licensed under Title 3, Occupations Code would read:

- physician, if the provider held a license under subtitle B;
- chiropractor, podiatrist, midwife, physician assistant, acupuncturist, or surgical assistant, as applicable, if the provider held a license under subtitle C;
- dentist or dental hygienist, as applicable, if the provider held a license under subtitle D;
- licensed vocational nurse, registered nurse, nurse practitioner, nurse midwife, nurse anaesthetist, or clinical nurse specialist, as applicable, if the provider held a license under subtitle E;
- optometrist, or therapeutic optometrist, as applicable if the provider held a license under subtitle F;
- speech-language pathologist or audiologist, as applicable, if the provider held a license under subtitle G;
- physical therapist, occupational therapist, or massage therapist, as applicable, if the provider held a license under subtitle H;
- medical radiologic technologist, medical physicist, perfusionist, respiratory care practitioner, orthotist, or prosthetist, as applicable, if the provider held a license or certificate under subtitle K; and
- dietitian, if the provider held a license under subtitle M.

A hospital licensed under the Texas Hospital Licensing Law in Health and Safety Code, ch. 241 would not be required to list the type of license held by a provider on a health care provider's photo identification badge until September 1, 2017. This provision would expire September 1, 2018.

The bill would take effect September 1, 2015.

SUPPORTERS SAY:

CSHB 2897 would improve transparency and patient safety by requiring hospital staff to be clearly identified by license type using a title that is understandable to patients. After the passage of SB 945 by Nelson last session, which created the requirement for health providers in hospitals to wear a photo identification badge with their license type, there was some confusion over whether a provider's license type could be identified by an abbreviation. This bill would clarify the Legislature's intent for SB 945 by

specifying the exact language that must be on the badge for each health care provider practicing in a hospital to ensure that patients would know the unabbreviated title of the person treating them. The bill also would allow health providers working in a fast-paced environment to quickly identify the titles of their fellow staff.

The cost of implementing the bill would be minimal for hospitals. The two-year implementation period for the bill would allow hospitals to spread the cost of the new badges over more than a year.

The bill would use titles for health care providers on the required badges that were consistent with the term for a provider's license type in Title 3, Occupations Code. For this reason, the bill would require a person licensed as a podiatrist under Occupations Code to be identified as such on their required badge.

OPPONENTS SAY:

CSHB 2897 would be overly expensive for hospitals. Hospitals recently created new badges for health providers in response to SB 945 enacted last session and would have to spend at least several thousand dollars to create new badges once more. The bill also would be inconsistent with the Texas Board of Nursing's Nursing Practice Act, which allows nurses to use the abbreviations RN, LVN, or VN as appropriate. The bill also would identify a person licensed as a podiatrist under Title 3, Occupations Code as a podiatrist when their full title is doctor of podiatric medicine.

SUBJECT: Ownership rights of groundwater

COMMITTEE: Natural Resources — committee substitute recommended

VOTE: 8 ayes — Keffer, Ashby, D. Bonnen, Frank, Kacal, Larson, Nevárez, Workman

0 nays

3 absent — Burns, T. King, Lucio

WITNESSES: For — Russell Johnson, End Op L.P.; Steve Box, Environmental Stewardship; Jimmy Gaines, Texas Landowners Council; (*Registered, but did not testify*: Marida Favia del Core Borromeo, Exotic Wildlife Association; Judith McGeary, Farm and Ranch Freedom Alliance; Linda Curtis, Independent Texans; Michele Gangnes, League of Independent Voters of Texas; Donnie Dippel, Texas Ag Industries Association; Jason Skaggs, Texas and Southwestern Cattle Raisers Association; Patricia Hayes, Texas Association of Groundwater Owners and Producers; Josh Winegarner, Texas Cattle Feeders Association; Billy Howe, Texas Farm Bureau; Ronald Hufford, Texas Forestry Association; Billy Phenix, Texas Land and Mineral Owners Association; Jim Reaves, Texas Nursery and Landscape Association; Denise Gentsch, Texas Seed Trade Association; Joey Park, Texas Wildlife Association)

Against — (*Registered, but did not testify*: John Dupnik, Barton Springs Edwards Aquifer Conservation District; Ty Embrey, Middle Trinity Groundwater Conservation District, Panola County Groundwater Conservation District, Clearwater Underground Water Conservation District; Drew Satterwhite, North Texas Groundwater Conservation District; Ken Kramer, Sierra Club - Lone Star Chapter; Martha Landwehr, Texas Chemical Council; Doug Shaw, Upper Trinity Groundwater Conservation District)

On — Paul Nelson, Lone Star Groundwater Conservation District; Shauna Fitzsimmons, Prairielands Groundwater Conservation District, Lone Star Groundwater Conservation District, Upper Trinity Groundwater

Conservation District, Barton Springs Edwards Conservation District; Brian Sledge, Prairielands Groundwater Conservation District, Upper Trinity Groundwater Conservation District, Lone Star Groundwater Conservation District, Benbrook Water Authority, Barton Springs Edwards Aquifer Conservation District; Jim Conkwright, Prairielands Groundwater Conservation District; Leigh Thompson, Texas Public Policy Foundation

BACKGROUND: Under Water Code, sec. 36.002, the Legislature recognizes that a landowner owns the groundwater below the surface of the landowner's land as real property.

The groundwater ownership and rights entitle the landowner to drill for and produce the groundwater below the surface of real property without causing waste or malicious drainage of other property or negligently causing subsidence but do not entitle a landowner to the right to capture a specific amount of groundwater below the surface of that landowner's land.

In 2012, the Texas Supreme Court ruled in the case of EAA v. Day McDaniel. In this case, the Edwards Aquifer Authority (EAA) argued to the Supreme Court that the landowner did not have a constitutionally protected ownership right in the groundwater, and could not maintain a takings claim against the EAA for denial of a permit. In this opinion, the court clarified the ownership right, including language not found in section 36.002. Some observers have noted that adding language recognizing other common law rights the court establishes for groundwater in future litigation would avoid the need to amend section 36.002 repeatedly.

DIGEST: CSHB 4112 would amend Water Code, sec. 36.002 by entitling a landowner to have any other right recognized under common law relating to groundwater ownership and rights.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2015.

NOTES: The committee substitute differs from the bill as filed by removing language in the original entitling a landowner to have any right recognized under common law and specifically including the right to produce or save a fair share of the groundwater below the surface of the landowner's land.

SUBJECT: Electronic filing of officeholders' personal financial statements

COMMITTEE: General Investigating and Ethics — committee substitute recommended

VOTE: 6 ayes — Kuempel, Collier, S. Davis, Hunter, Larson, C. Turner

0 nays

1 absent — Moody

WITNESSES: For — Jesse Romero, Common Cause Texas; (*Registered, but did not testify*: Joanne Richards, Anti-Corruption Campaign; Liz Wally, Clean Elections Texas; Tom "Smitty" Smith, Public Citizen, Inc.; Karen Hadden)

Against — None

BACKGROUND: Government Code, sec. 572.021 requires most state officers, partisan or independent candidates for elected office, and state party chairs to file a verified financial statement with the Texas Ethics Commission. The financial statement is filed via hand delivery or mail.

DIGEST: CSHB 3683 would require financial statements filed with the Texas Ethics Commission to be filed by computer diskette, modem, or other means of electronic transfer, using computer software provided by the commission or software that met commission specifications.

The bill would take effect September 1, 2015.

SUBJECT: Creating a property tax exemption for the National Hispanic Institute

COMMITTEE: Ways and Means — favorable, without amendment

VOTE: 11 ayes — D. Bonnen, Y. Davis, Bohac, Button, Darby, Martinez Fischer, Murphy, Parker, Springer, C. Turner, Wray

0 nays

WITNESSES: For — Analysse Escobar, Chris Nieto, Ernesto Nieto, and George Rodriguez, National Hispanic Institute; (*Registered, but did not testify*: Astrid Fuentes, Zachary Gonzalez, Karla Martinez, Paul Martinez, and Roberto Ramirez, National Hispanic Institute; C. LeRoy Cavazos, MPA, San Antonio Hispanic Chamber of Commerce; and five individuals)

Against — None

BACKGROUND: Tax Code, sec. 11.23 provides for property tax exemptions for various non-profit organizations, among other exemptions.

DIGEST: HB 3623 would exempt the National Hispanic Institute from state and local property taxes as long as it is classified as it is exempt from federal income taxes under Section 501(c)(3) of the Internal Revenue Code of 1986.

This bill would take effect on January 1, 2016, and would apply only to a tax year beginning on or after that date.

SUBJECT: School employee mental health training; authorities of local government

COMMITTEE: County Affairs — committee substitute recommended

VOTE: 9 ayes — Coleman, Farias, Burrows, Romero, Schubert, Spitzer, Stickland, Tinderholt, Wu

0 nays

WITNESSES: For — Gyl Switzer, Mental Health America of Texas; Donald Lee, Texas Conference of Urban Counties; (*Registered, but did not testify*: Seth Mitchell, Bexar County Commissioners Court; Katharine Ligon, Center for Public Policy Priorities; June Deadrick, CenterPoint Energy; Jim Allison, County Judges and Commissioners Association of Texas; Craig Pardue, Dallas County; Patti Jones, Lubbock County; Will Jones, McLennan County; Greg Hansch, National Alliance on Mental Illness Texas; Mark Mendez, Tarrant County Commissioners Court; Rick Thompson, Texas Association of Counties; John Brieden, Washington County)

Against — None

On — (*Registered, but did not testify*: Lisa Kirsch, Health and Human Services Commission; Connie Berry, Department of State Health Services)

BACKGROUND: Health and Safety Code, sec. 1001.203 requires the Department of State Health Services (DSHS) to make grants to local mental health authorities to provide an approved mental health first aid training program, administered by mental health first aid trainers, at no cost to educators. The department is required to grant $100 to a local mental health authority for each educator that successfully completes training.

Health and Safety Code, sec. 1001.205 requires a local mental health authority to provide to DSHS certain mental health training reports no later than July 1 of each year. The information provided must include the number of mental health authority employees and contractors who were

trained as mental health first aid trainers and the number of educators and individuals who are not educators who completed the mental health first aid training program. DSHS is required to compile the information provided by a local mental health authority and submit a report of the information to the Legislature no later than August 1 of each year.

Local Government Code, sec. 263.152 permits the commissioners court of a county to periodically sell the county's surplus or salvage property by bid or auction. This section permits the commissioners court of a county to order any of the surplus or salvage property to be destroyed or disposed of as worthless if the commissioners court cannot sell the property.

Local Government Code, sec. 271.9051 grants certain municipalities the authority to enter into contracts with bidders for certain services and take into account the bidder's location prior to accepting a bid. If the lowest bid for certain services is from a business outside of the municipality, the municipality may choose a bid that is within five percent of the lowest bid if the bidder's principal place of business was within the municipality.

DIGEST:

CSHB 2977 would amend Health and Safety Code, sec. 1001.203 by expanding the types of employees eligible to receive mental health first aid training and related grants to include school district employees and school resource officers, rather than just educators.

The bill would amend Health and Safety Code, sec. 1001.205 by making certain changes to the training reporting requirements for local mental health authorities, including changing the dates the reports should be provided to the Department of State Health Services.

The bill would amend Local Government Code sec. 263.152 by allowing a county to dispose of surplus or salvage property to a recycling program if the property could not be sold.

The bill would amend Local Government Code, sec. 271.9051 by giving counties the authority to consider the location of a bidder when contracting for services.

This bill would take effect September 1, 2015.

SUBJECT: Transferring regulation of dyslexia practitioners and therapists

COMMITTEE: Human Services — committee substitute recommended

VOTE: 8 ayes — Raymond, Rose, Keough, S. King, Naishtat, Peña, Price, Spitzer

0 nays

1 absent — Klick

WITNESSES: For —Mary Yarus, Academic Language Therapy Association; Robin Cowsar; (*Registered, but did not testify*: Mary Ellen Erwin; Lynn Hoover; Jamie Nettles; Perry Stokes)

Against — None

On — Michael Kelley, Texas Department of Licensing and Regulation; (*Registered, but did not testify*: E. Carol Miller, Department of State Health Services-Professional Licensing and Certification Unit)

BACKGROUND: Occupations Code, ch. 403 regulates licensed dyslexia practitioners and licensed dyslexia therapists and requires the Department of State Health Services (DSHS) to appoint a Dyslexia Licensing Advisory Committee.

The Sunset Advisory Commission recommended in its recent review of the DSHS that regulation of dyslexia therapists and practitioners be discontinued at DSHS, including the state license and associated advisory board. In response to the Sunset recommendations, some have called for responsibility over state licensing for dyslexia therapists and practitioners to be transferred from DSHS to another agency to maintain state-recognized standards and accountability for these professionals.

DIGEST: CSHB 2683 would transfer licensing and regulation of licensed dyslexia practitioners and licensed dyslexia therapists from the Department of State Health Services (DSHS) to the Texas Department of Licensing and Regulation (TDLR). As soon as practicable after the effective date of the bill and before January 1, 2016, DSHS and TDLR would adopt a

transition plan to provide for the transfer of the following from DSHS to TDLR to the extent necessary for the department's duties related to regulation of dyslexia practitioners and therapists:

- personnel;
- equipment, files, and records; and
- money appropriated for the fiscal biennium ending August 31, 2017.

The bill would require the Dyslexia Licensing Advisory Committee to provide advice and recommendations to TDLR rather than DSHS and would specify the composition, appointment, terms, and procedures for the advisory committee.

The bill would require the Texas Commission of Licensing and Regulation to specify the information and documentation required to be submitted in an application for a licensed dyslexia practitioner or licensed dyslexia therapist license. A license would be valid for one year from the date of issuance. The Texas Commission of Licensing and Regulation would establish requirements for renewing a license, including applicable fees.

If an applicant for a license or a license holder violated provisions in Occupations Code, ch. 403, or an adopted rule or issued order, the bill would allow the Texas Commission of Licensing and Regulation or the executive director of TDLR to revoke or suspend a person's license, place the person on probation, reprimand the license holder, or refuse to issue or renew the license. The bill would allow the Texas Commission of Licensing and Regulation or the executive director of TDLR to impose an administrative penalty against a person who violated a provision of Occupations Code, ch. 403 or an adopted rule or issued order.

CSHB 2683 would repeal sections of Occupations Code, ch. 403 that related to the following:

- administration of Occupations Code, ch. 403 by DSHS;
- the ability of the Health and Human Services Commission

executive commissioner to place a license holder on inactive status;

- continuing education requirements required for the renewal of a license holder's license;
- the ability of a person to file complaints alleging a violation of Occupations Code, ch. 403;
- the ability of DSHS to deny, suspend, or revoke a license for a criminal conviction;
- hearings related to a proposal by DSHS to revoke, suspend, or refuse to renew a person's license;
- the creation of a schedule of sanctions for a violation of Occupations Code, ch. 403;
- requirements of a license holder whose license suspension was probated;
- monitoring a license holder;
- informal procedures for a contested case;
- reinstatement of a revoked license;
- reprimand of a license holder and continuing education; and
- cease and desist orders.

By March 1, 2016, the Texas Commission of Licensing and Regulation would adopt rules necessary to implement changes in law made by the bill. A rule or fee under Occupations Code, ch. 403 would continue in effect on the effective date of the bill until changed by the Texas Commission of Licensing and Regulation.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2015.

SUBJECT: Regulating a POA's restrictions on residential leases, rental agreements

COMMITTEE: Business and Industry — committee substitute recommended

VOTE: 6 ayes — Oliveira, Simmons, Collier, Fletcher, Rinaldi, Romero

0 nays

1 absent — Villalba

WITNESSES: For — Abby Lee, Texas Association of Realtors; (*Registered, but did not testify*: Tanya Lavelle, Easter Seals Central Texas; Sandy Ward and Angela Smith, Fredericksburg Tea Party; Jay Propes, Spectrum Association Management, FirstService Residential, Associations, Inc; David Mintz, Texas Apartment Association; Steven Garza and Daniel Gonzalez, Texas Association of Realtors; Nate Walker, Texas Family Council; Matt Long)

Against — (*Registered, but did not testify*: Chuck Bailey, Las Colinas Association; Val Perkins, Texas Community Association Advocates; Julián Muñoz Villarreal, Texas Neighborhoods Together)

DIGEST: CSHB 2489 would prohibit a property owners' association (POA) from adopting or enforcing a provision in a dedicatory instrument that:

- imposed a fee or required dues to the POA in connection with the leasing or renting of a property owner's property;
- required a lease or rental applicant to be reviewed or approved by the POA; or
- required a property owner or tenant to provide a document related to leasing or renting the property, such as a lease or rental application.

Any provision would be void if it violated the limitations noted above.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take

effect September 1, 2015.

SUPPORTERS SAY:

CSHB 2489 would prohibit a POA from interfering with an owner's private property rights. If a POA allowed an owner to sublet or rent property, the owner should have the freedom to exercise the owner's property rights by leasing or renting the property to whomever the owner chooses. Not all POAs allow property owners to rent or lease their property, but for the ones that do, this bill would maintain the owner's property rights. The bill would not present any practical issues for POAs because it would be the responsibility of the property owner, not the POA, to provide the renter with any necessary keys or cards to gain access to common areas within the community.

OPPONENTS SAY:

CSHB 2489 would undermine the purpose of POAs and the communities they serve. Condominiums and gated communities offer their residents a sense of security because even if a resident does not know who else lives in the community, there is the understanding that the POA has that knowledge. This bill would remove that assurance. The bill also would present practical issues if the POA were not entitled to know who was renting or leasing a property in the community. If the community had common areas or gates that required keys or cards to enter, the POA would not be able to provide the renter with access to those areas.